

House File 604 - Reprinted

HOUSE FILE 604
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 206)

(As Amended and Passed by the House March 22, 2023)

A BILL FOR

1 An Act relating to education, including authorizing the
2 ombudsman to investigate complaints received by individuals
3 who hold a license, certificate, authorization, or statement
4 of recognition issued by the board of educational examiners,
5 modifying the responsibilities of school districts and
6 charter schools, and authorizing teachers employed by school
7 districts or charter schools to remove disruptive students
8 from the classroom.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 2C.9, Code 2023, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 2A. Investigate, on complaint, any
4 complaint received by an individual who holds a license,
5 certificate, authorization, or statement of recognition issued
6 by the board of educational examiners related to violence in
7 the classroom or violence on school property, including any
8 disclosure of information to which section 279.79 applies
9 related to violence in the classroom or violence on school
10 property. The ombudsman shall provide the results of the
11 investigation to the department of education and the board of
12 educational examiners. The ombudsman shall maintain secrecy in
13 respect to the identities of the complainants.

14 Sec. 2. Section 256.9, Code 2023, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 66. Develop and distribute to school
17 districts a list of all professional development programs and
18 other training programs in which employees of school districts
19 are required to participate pursuant to federal law or state
20 law, including chapter 284. For purposes of this subsection,
21 "*professional development program*" means the same as defined in
22 section 272.1.

23 Sec. 3. Section 256E.7, subsection 2, Code 2023, is amended
24 by adding the following new paragraphs:

25 NEW PARAGRAPH. *0j.* Be subject to and comply with the
26 requirements of section 279.78 relating to notifications to
27 the parents or guardians of a student in the event a classroom
28 teacher witnesses the student suffer an incident of violence in
29 the same manner as a school district.

30 NEW PARAGRAPH. *00j.* Be subject to and comply with the
31 requirements of section 279.79 relating to prohibiting
32 retaliation against employees or contractors for disclosing
33 certain specified information in the same manner as a school
34 district.

35 NEW PARAGRAPH. *000j.* Be subject to and comply with the

1 requirements of section 279.80 relating to the removal of
2 disruptive students from the classroom in the same manner as
3 a school district.

4 Sec. 4. Section 279.51A, subsection 4, Code 2023, is amended
5 to read as follows:

6 4. A classroom teacher employed by a school district shall
7 report any incident of violence that results in injury or
8 property damage or assault by a student enrolled in the school
9 to the principal or the lead administrator of the school within
10 twenty-four hours after the incident of violence occurs. The
11 principal or lead administrator of the school shall notify the
12 parent or guardian of the student enrolled in the school who
13 caused the incident of violence that resulted in injury or
14 property damage or assault of the incident of violence within
15 twenty-four hours after the classroom teacher reports the
16 incident of violence to the principal or lead administrator.

17 Sec. 5. NEW SECTION. 279.77 Professional development —
18 notification.

19 If a school district requires an employee to participate
20 in a particular professional development program, including
21 a program that is included on the list developed by the
22 department of education pursuant to section 256.9, subsection
23 66, the school district shall provide notice to the employee
24 indicating the section of the Code, or rules adopted by the
25 state board of education or the board of educational examiners,
26 the school district determines requires the employee to
27 participate in the professional development program. For
28 purposes of this section, "*professional development program*"
29 means the same as defined in section 272.1.

30 Sec. 6. NEW SECTION. 279.78 Notice to parents or guardians
31 related to incidents of violence.

32 A teacher employed by a school district may notify the parent
33 or guardian of a student enrolled in the school district if the
34 teacher witnesses the student suffer an incident of violence
35 that results in injury or property damage or assault.

1 Sec. 7. NEW SECTION. **279.79 Retaliation prohibition.**

2 The board of directors of a school district shall not take
3 any disciplinary action against an employee or contractor of
4 the school district for disclosing information to any public
5 official or law enforcement agency, including a disclosure
6 to the ombudsman pursuant to section 2C.9, subsection 2A, if
7 the employee or contractor reasonably believes the information
8 evidences a violation of law or rule, mismanagement, a gross
9 abuse of funds, an abuse of authority, or a substantial and
10 specific danger to public health or safety. For purposes of
11 this section, "*disciplinary action*" includes termination of
12 employment or the contractual relationship, suspension from
13 employment, demotion, financial penalties, failing to take
14 action regarding an employee's or contractor's promotion
15 or proposed promotion, failing to provide an advantage in
16 employment or the contractual relationship, and written or
17 verbal reprimands.

18 Sec. 8. NEW SECTION. **279.80 Removal of disruptive students**
19 **from the classroom.**

20 1. As used in this section:

21 a. "*Administrator*" means the same as defined in section
22 272.1.

23 b. "*School resource officer*" means the same as defined in
24 34 U.S.C. §10389.

25 c. "*Teacher*" means the same as defined in section 272.1.

26 d. "*Therapeutic classroom*" means the same as defined in
27 section 256.25, subsection 7.

28 2. The board of directors of each public school district
29 shall adopt a policy, consistent with section 279.51A, that
30 describes when a teacher may remove a disruptive student from
31 the classroom. The policy shall provide for escalating levels
32 of discipline each time a disruptive student is removed from
33 the classroom. The policy shall include, at a minimum, all of
34 the following:

35 a. A teacher employed by a school district may remove a

1 disruptive student from the classroom under the supervision of
2 a school resource officer or an administrator located in the
3 attendance center.

4 *b.* (1) The first time a teacher removes a disruptive
5 student from the classroom pursuant to paragraph "a" in a
6 semester, or the trimester or quarter equivalent, the school
7 district shall do all of the following:

8 (a) Facilitate a counseling session between the student
9 and a school counselor licensed by the board of educational
10 examiners under chapter 256.

11 (b) Place the student in one day of in-school suspension
12 after the counseling session described in subparagraph division
13 (a) takes place.

14 (2) The second time a teacher removes a disruptive student
15 from the classroom pursuant to paragraph "a" in a semester, or
16 the trimester or quarter equivalent, the school district shall
17 do all of the following:

18 (a) Facilitate a counseling session between the student
19 and a school counselor licensed by the board of educational
20 examiners under chapter 256.

21 (b) Place the student in five consecutive school days of
22 in-school suspension after the counseling session described in
23 subparagraph division (a) takes place.

24 (3) The third time a teacher removes a disruptive student
25 from the classroom pursuant to paragraph "a" in a school year,
26 the school district may permanently remove the student from the
27 teacher's class, and the school district shall consider placing
28 the student in an alternative learning environment, including a
29 therapeutic classroom.

30 Sec. 9. Section 280.21, Code 2023, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 5. A public school district or area
33 education agency shall provide to all teachers employed by the
34 public school district or area education agency a copy of this
35 section with the initial employment contract and with each

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1 notice of renewal of the employment contract.